HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.17914 of 2003

Dated 31st day of October, 2007

Between:

G.V.Narasimha Reddy
and another ..
Petitioners

And

The Commissioner,
Nirmal Municipality, Nirmal,
Adilabad District ..
Respondent

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondent in not considering the petitioners' application for regularization of the structures at the premises bearing No.5-11-51/26 C&B and not issuing the revised sanctioned plan as per the proceedings dated 25.8.1993 to the petitioners, as arbitrary and illegal.

The petitioners asset that they are the absolute owners and possessors of the lands admeasuring Ac.00.29 guntas situated in S.No.1901, at Nirmal, Adilabad District. After obtaining permission from the respondent-Commissioner, they started making constructions in accordance with the sanctioned plan. Later, the respondent issued Memo on 9.7.1993 to the petitioners asking them to submit a fresh application for issuance of a revised sanctioned plan, in pursuance of which, the petitioners submitted the application and the respondent authority, vide proceedings dated 25.8.1993, accorded/sanctioned revised plan in favour of the petitioners, who, again started constructing a commercial complex in the site. Now, the grievance of the petitioners is that in view of the complaints received from local people, the respondent objected the petitioners from making further constructions on the ground that they are constructing in deviation of the revised sanctioned plan. When the petitioners made a representation dated 11.6.2001 before the respondent seeking regularization of the construction of rear side shops and another representation dated 20.8.2001 for issuance of the certified copy of the revised sanctioned plan, the respondents have not passed any orders on them so far. His further grievance is that the respondents are

attempting to lay a road in the very same passage where the petitioners' constructions are being made.

Heard the learned counsel for both the parties and perused the material placed on record.

On instructions, the learned standing counsel for Municipality, has submitted that the regularization of the structures situated in S.No.5-11-51/26B was already made by an order dated 28.2.2001. In the light of the regularization, this Court is of the view that no further orders need to be passed in this writ petition.

Hence, this writ petition is dismissed. However, the learned counsel for the petitioners submits that revised proceedings were issued, but the revised sanctioned plan is not annexed to the proceedings, and hence, seeks a direction to the respondent to furnish a copy of the revised sanctioned plan. This Court is not inclined to direct the respondent with regard to it and it is left open for the petitioners to approach the respondent and make a fresh representation. On receipt of such representation, if the respondent-Municipality feels that the revised plan is really required for the petitioners, it may furnish a copy of the revised sanctioned plan to them. No costs.

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31.10.2007

bcj